

Application Serial No. 10/617,401
Reply to Office Action dated June 29, 2005

REMARKS/ARGUMENTS

Initially, the Applicant would like to thank the Examiner for taking the time to discuss this case with the Applicant's representative during the interview conducted on September 22, 2005. During the interview, the Applicant agreed to cancel claims 16-21 in view of the restriction requirement, and amend claims 2 and 14 to overcome the § 112, second paragraph rejections and the minor objection raised. In addition, given the indicated allowability, the Applicant has placed claim 8 in independent form. That is, claim 8 has been amended to incorporate the particulars of the base claim (although the mullion limitation of claim 1 was amended to clearly encompass at least side-by-side, top mount and bottom mount style refrigerators in a manner discussed with the Examiner) and intervening claim 7.

During the interview, the Examiner and the Applicant's representative discussed the rejections to claims 1 and 3-6 under 35 U.S.C. § 103(a) as being unpatentable over Nakayama et al. (U.S. Patent No. 4,586,348) in view of Woolley et al. (U.S. Patent No. 4,735,062), as well as the rejection to claims 1, 2 and 7 under 35 U.S.C. § 102(b) as being anticipated by Woolley et al. With respect to the § 103(a) rejection, the Examiner agreed with the Applicant's representative that the reinforcing member illustrated in Nakayama et al. is not arranged against a side wall of the shell as required by claim 1 as originally presented. In addition, the Examiner agreed that the Nakayama et al. reference does not teach providing openings in a terminal bent end section of a flange assembly as set forth in claim 3. Accordingly, claim 3 has been amended to incorporate the particulars of claim 1 as originally presented, although the original "mullion" limitation was again amended per discussions held with the Examiner. The Applicant respectfully submits that claim 3 and those claims depending therefrom are distinguished from the prior art. Based on agreements reached with the Examiner, claims 3-6 and 10-15 should be in condition for allowance.

Regarding the § 102 rejection over Woolley et al., the Applicant has amended claim 1 to recite that the first and second reinforcing members are arranged against, at

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spaced locations, said rear flange and said first side wall. In this manner, the first and second reinforcing members are not only spaced one from the other but arranged against both the rear flange and the same side wall. The Applicant respectfully submits that claim 1, as amended, is patentably defined over the prior art reference to Woolley et al. which simply discloses two corner brackets which, while arranged against a rear flange, are not arranged against the same side wall. This distinction was recognized by the Examiner during the interview.

Based on the amendments to the claims, and the above remarks, it is respectfully submitted that the present invention is patentably defined over the prior art of record such that allowance of all claims and passage of the application to issue is respectfully requested. If the Examiner should have any questions or concerns regarding this case that would further the prosecution on this matter, she is cordially invited to contact the undersigned at the number provided below.

Respectfully submitted,



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